

REMARKS

Claims 1, 5-9, 11-18, and 29-33 are pending in the application. Claims 1, 7, 8, 9, 12, and 13 are currently amended. Claims 11 and 14-18 are currently cancelled. Thus, Claims 1, 5-9, 12, 13, and 29-33 are currently pending and presented for examination.

Entry of the claim amendments is requested. Support for the amendments to Claims 1, 7, 8, and 9 can be found throughout the specification and these amendments do not introduce new matter. Claims 12 and 13 have been amended solely as to form.

Applicants thank the Examiner for discussions on January 30 and February 1, 2007.

Applicants thank the Examiner for withdrawing previous claim rejections.

Claim Rejections

Claim rejections under 35 U.S.C. §112, first paragraph, enablement

Claims 1, 5-9, 11, and 29-33 stand rejected under 35 U.S.C. §112, first paragraph, on grounds that the specification allegedly does not reasonably provide enablement for screening subjects for any neurological disorder by measuring BMAA, or for measuring BMAA derivatives. Claim 11 has been cancelled, rendering the rejection of this claim moot.

“Any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention.” M.P.E.P. §2164.01. Here, Claims 1, 7, 8, and 9 have been amended without prejudice to recite Alzheimer’s disease or amyotrophic sclerosis-Parkinsonism dementia complex (ALS-PDC). Claim 1 has been amended without prejudice to recite measuring BMAA. Because the specification provides enablement in compliance with the requirements of 35 U.S.C. §112, first paragraph, for currently pending Claims 1, 5-9, and 29-33, this rejection should be withdrawn.

Claim rejections under 35 U.S.C. §112, first paragraph, written description

Claims 1, 5-9, 11, and 29-33 stand rejected under 35 U.S.C. §112, first paragraph, on grounds that the claims allegedly fail to comply with the written description requirement with respect to the term “BMAA derivative.” Claim 11 has been cancelled, rendering the rejection moot with respect to this claim. Claim 1, as amended, does not recite “BMAA derivative,” such that the rejection under 35 U.S.C. §112 first paragraph, based on the term “BMAA derivative,” is rendered moot. Therefore, the rejection under 35 U.S.C. §112, first paragraph, of Claim 1, and Claims 5-9 and 29-33 dependent therefrom, should be withdrawn.

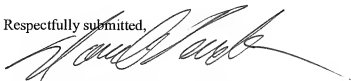
CONCLUSION

Claims 1, 5-9, 11-18, and 29-33 are pending in the application. Claims 1, 7, 8, 9, 12, and 13 are currently amended. Claims 11 and 14-18 are currently cancelled. Thus, Claims 1, 5-9, 12, 13, and 29-33 are currently pending and presented for examination.

Applicants request that the outstanding claim rejections be withdrawn and the currently pending claims be found allowable.

Applicants believe no fees are due. If it is determined that fees are due, please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any overpayments to the above-referenced Deposit Account.

Respectfully submitted,



PILLSBURY WINTHROP SHAW PITTMAN LLP
DONNA O. PERDUE
Reg. No. 51166
Tel. No. 858.509.4093
Fax No. 858.509.4010

Date: February 22, 2007
12255 El Camino Real, Suite 300
San Diego, CA 92130
(619) 234-5000